

PROPOSED REGIONAL CONDITIONS

The Charleston District Corps of Engineers is proposing the following Regional Conditions and Regional Revocations for the Proposed Nationwide permits. It should be understood that the State of South Carolina is considering development of 401 Water Quality certification conditions and Coastal Zone Management certification conditions. Such conditions, when issued by the State will also be incorporated as Regional Conditions or Revocations applicable in Charleston District. No changes are being proposed at this time to the Regional Special Conditions for the other existing NWP.

1. That the current existing Regional Conditions for Nationwide Permits be applied to the proposed new Nationwide Permits in a manner similar to their current use, with the following changes.
2. That all uses of NWPs A, B, and D be limited to activities impacting non-contiguous waters or those contiguous waters which are above the headwater location (5 cfs point).
3. That the following additional definitions be implemented as Regional General Conditions.

Impoundment means a body of water which has been collected and confined. Impoundments may be created by means of dikes, coffer dams, weirs, or other structures or works which have the effect of impounding water. Impoundments lasting less than one year will be considered temporary. Those lasting more than one year are considered long-term or permanent. Seasonal impoundments which are approved and managed as Greentree Reservoirs will be considered temporary. Dry dams and similar structures which impound water for limited periods following storm events will be considered temporary. The term impoundment applies to both newly constructed impoundments and reconstruction of former impoundments.

Waters of particular concern means those areas included in one or more of the following categories.

- Waters included on the 303(d) list.
- Waters identified as Outstanding Resource Waters (ORW).
- Waters located adjacent to ORW areas.
- Waters where sediment contaminants have been identified as exceeding screening values.

4. That the following revisions to the Regional General Conditions regarding Compensatory Mitigation be implemented.

a. *Compensatory Mitigation Threshold.* A compensatory mitigation or restoration plan shall be required for all activities for which a PCN is required and which result in a cumulative adverse impact to more than 0.10 acre of special aquatic sites. Such activities which do not have a compensatory mitigation or restoration plan included with the PCN will be considered incomplete. The applicant may submit a written request to the Corps for a waiver of this requirement. Waiver requests must include a written statement explaining why the applicant feels a waiver is appropriate.

b. *Protective Mechanisms.*

When approved, preservation shall be by means of either deed restrictive covenants or conservation easement. Protection of property owned by the permittee at the time of recording may be by use of restrictive covenants. Protection of property not owned by the permittee shall be by means of conservation easement. Prior to signing and recording, a final draft of the completed covenants or easement documents must be reviewed and approved by the Corps.

PROPOSED REGIONAL DENIALS

Charleston District is proposing that NWP E, Mining Activities, be denied for all activities in Charleston District. In lieu of NWP E, Charleston District is proposing that the existing Regional General Permit for Mining Activities (GP 94-14-001) be revised to include new mining activities and be reissued.